



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

March 19, 2015, 2pm

To: Honorable Chair Rhoads, Vice-Chair San Buenaventura and Judiciary Committee Members

From: Inga Gibson, Hawaii State Director, The Humane Society of the United States-Humane Society International, PO Box 89131, Honolulu, HI 96830, [igibson@humanesociety.org](mailto:igibson@humanesociety.org)

**RE: SUPPORT with Amendments, HCR155/HR93; Relating to a Judicial Committee Review of the Penal Code**

Psychologists and Criminologists have long recognized the connection between animal cruelty and human violence. Research demonstrates that those who abuse animals, including juvenile offenders, are more likely to escalate to crimes against people. For this reason a review of our penal code, specifically focused on deterring, treating, sentencing and holding animal abusers appropriately accountable, is in order.

Furthermore, every year more than a dozen animal protection bills are introduced with many being deferred, missing deadlines or not being scheduled for hearings (HB 773/SB793, HB1012, HB1339, SB590, HB702 among others). Annually, our organization issues a state ranking comparison of national animal protection laws based on a comprehensive analysis of more than 80 criteria related to marine and terrestrial wildlife, companion animals, farm animals and animals used for fighting, entertainment and in research. Despite our passing a number of important animal cruelty related bills in the past 7 years, [Hawaii ranks 29th](#) in the nation with some of the weakest laws, penalties and provisions, including significant loopholes that make enforcement of such laws even more challenging for local animal control and law enforcement agencies.

**We would greatly appreciate the Committees consideration of an amendment to add a representative from The Humane Society of the United States and/or an animal welfare/protection organization participant, so a review of the animal cruelty penal code may also be included.** This would help to better focus and prioritize legislation to address exactly where our cruelty code needs strengthening.

A review of Hawaii's animal cruelty penal code is also quite timely and relevant given the FBI just added animal cruelty crime reporting to its National Incident-Based Reporting System. See below for more information:

<http://www.fbi.gov/news/podcasts/thisweek/animal-cruelty-category-added-to-nibrs.mp3/view>  
<http://blog.humanesociety.org/wayne/2014/09/animal-cruelty-uniform-crime-report.html>

Thank you for your consideration of an amendment to HCR155/HR93 to include a review of the penal code relating to animal cruelty (Chapter 711 and other relevant statutes).

**LATE**



*The Judiciary, State of Hawai'i*

**Testimony to the House Committee on Judiciary**

Representative Karl Rhoads, Chair

Representative Joy A. San Buenaventura, Vice Chair

Friday, March 20, 2015, 2:00 PM

State Capitol, Conference Room

By

Rodney A. Maile

Administrative Director of the Courts

**WRITTEN TESTIMONY ONLY**

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**Resolution No. and Title:** House Concurrent Resolution No. 155 and House Resolution No. 93 Requesting the Judicial Council to Appoint a Committee to Review and Recommend Revisions to the Hawai'i Penal Code.

**Judiciary's Position:**

The judiciary takes no position on the merits of these resolutions and respectfully offers the following comments.

Roughly every decade since 1983, the legislature has convened a committee, consisting of members from the judiciary, the department of the attorney general, the department of public safety, the Hawaii paroling authority, the office of the public defender, the county prosecutors' offices and police departments, victim advocacy groups, and interested attorneys and private citizens, to conduct a comprehensive review of the Hawaii penal code. The last of these committees was created in 2005 by Act 125, which included a \$75,000 appropriation to cover the costs of the review.

This session, while there is no bill calling for a comprehensive review of the penal code, the judiciary is aware of 11 resolutions and concurrent resolutions, each providing for a review concerning specified sentencing provisions within the code. The measures before you, HCR No. 155 and HR No. 93, request that the judicial council establish a committee whose review "will help ensure that sentences are fair and proportionate to the crime committed with particular attention paid to ... sections that base culpability on dollar amounts," including review of the



House Concurrent Resolution No. 155 and House Resolution No. 93  
House Committee on Judiciary  
Friday, March 20, 2015 2:00 PM  
Page 2

American Law Institute Model Penal Code and assessing the principles of “Justice Reinvestment in Hawaii: Analyses & Policy Options.” Other resolutions and concurrent resolutions propose working groups convened by the legislature, the judiciary or the department of public safety to study, review, and make recommendations regarding the penal code or specific issues therein. Matters like these have effectively been incorporated into past ten-year comprehensive penal code reviews.

Given the broad, state-wide membership of the committees proposed by HCR No. 155/HR No. 93, it is perhaps more desirable, in terms of cost and efficiency, to have one committee do the work described in all resolutions on updating the penal code.

We would also point out that it has been about ten years since the last comprehensive penal code review and, if the legislature is contemplating another such review in the near future, the substance of other penal code review measures can expressly be made a part of it. This may be the most efficient and cost effective approach.

Lastly, the judiciary believes that an appropriation based on the scope of the review ultimately to be done will be necessary to cover its costs.

Thank you for the opportunity to testify on these measures.

**LATE**



LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol, Room 446  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Written Testimony

## **HCR155**

### **REQUESTING THE JUDICIAL COUNCIL TO APPOINT A COMMITTEE TO REVIEW AND RECOMMEND REVISIONS TO THE HAWAII PENAL CODE**

Testimony by the Legislative Reference Bureau  
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the House Committee on Judiciary

Friday, March 20, 2015, 2:00 p.m.  
Conference Room 325

Chair Rhoads and Members of the Committee:

Thank you for the opportunity to testify on H.C.R. No. 155, Requesting the Judicial Council to Appoint a Committee to Review the Hawaii Penal Code and Recommend to the Legislature Revisions to the Hawaii Penal Code.

The purpose of this measure is to request that the Judicial Council appoint a committee to review and make recommendations to update the Hawaii Penal Code to help ensure that sentences are fair and proportionate to the crime committed, with particular attention paid to Hawaii Penal Code sections that base culpability on dollar amounts.

The measure also authorizes the Judicial Council to request the Legislative Reference Bureau to assist the committee with research and reporting assistance, as needed, and to use the faculty and students of the University of Hawaii William S. Richardson School of Law in performing its work.

While the Legislative Reference Bureau takes no position on this measure, we submit the following comments for your consideration.

We note that the Bureau is statutorily directed to use its resources and services to assist the Legislature and its members, unless otherwise directed by the Legislature. Thus, if the Legislature feels that this is an appropriate use of the Bureau's resources, then the Bureau believes it would be able to provide research and drafting services in the time allotted; provided that the Bureau's interim workload is not adversely impacted by too many

other studies or additional responsibilities, such as conducting, writing, or finalizing other reports, drafting legislation, or both, for other state agencies, task forces, committees, or working groups that may be requested or required under other legislative measures.

However, as the measure is currently drafted, it is unclear if the measure is requesting the Bureau to take on the responsibility of providing administrative support staffing for the Penal Code review committee and of the actual writing of the committee's report to the Legislature, as opposed to merely drafting proposed legislation. The Bureau lacks the resources to provide administrative support to task forces, working groups, or outside committees of this nature. Since the Judicial Council is established within the Judiciary, we would request that the measure be amended to specifically direct the Judiciary to provide such administrative support. Further, if the intent of the measure is that the Bureau assist in preparing the Committee's report to the Legislature, we request that this intent be clarified.

Thank you again for the opportunity to provide written comments.